# FOR MYSORE STATE

Secti. Old No. H-27, New No. H-15—75,000—51-1-58.

Public Works (1956) Department.

MS SERIES.

G.O. No. 3090

Dated 19/7/58

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Supdt
25/7/58

[Despatch Abstract.]

PORT TURSTS - Mangalore - Port Trust Board - Trustees - Election by Kanara Chamber of Commerce - Rules - Approval of - Papers - Recorded.

# THE KANARA CHAMBER OF COMMERCE

P. O. BOX NO. 116 MANGALORE-1 (S. INDIA)

TELEGRAMS: "CHAMBER"
TELEPHONE: 128

Date 6th June, 1956.

ASST. SECRETARY TO GOVERNMENT
4283
8 JUN 1956
PUBLIC WORKS DEPARTMENT

REGD.A.D.

The Secretary to the Government of Madras,
Public Works Department,
Fort St. George,

Sir,

Sub: MANGALORE PORT TRUST ACT, 1953-Section 6(2)(a)- Port Trust Board- Elective Trustees- Election by the Chamber Special Rules framed- Approval sought.

******

Under Section 6(2)(a) of The Mangalore Port Trust Act, 1953, the election of the Representatives of the Chamber to the Mangalore Port Trust Board shall take place at a meeting of the Chamber. Giving further clarification on this point as desired by us, the Government, in their letter No.37205 F/54-5 dated 15-6-1954 had stated as follows:-

" In the absence of special rules framed by the Chamber, or until special rules are framed for convening meetings for elections to the Mangalore Port Trust Board, the meetings to be held for such election may be ordinary general body meetings of the members of the Chamber."

2. Members of the Chamber have been representing that any election of Representatives, at a meeting as suggested may not be in the best interest of the members and that such elections to return candidates should be held in the usual way i.e., by giving notice of vacancy to all members in advance, calling for nominations and holding elections by polling by means of secret ballots. In this process, sufficient time has to be given to members between various stages of election.

3. Having regard to the wishes of the members and the desirability of holding elections in the manner stated above, to return candidates to serve not only on the Port Trust Board but also on other Public Bodies on which the Chamber is given representation, the Committee of the Chamber has framed special Rules for the conduct of all such elections, in the larger interest of the members. These Rules will be placed before an Extraordinary General Meeting of the Members of the Chamber specially convened for the purpose on the 3rd July, 1956, for their approval.

4. As the election of the Chamber's Representatives to serve on the Port Trust Board in accordance with these rules, require prior permission from the State Government in view of what is stated in Section 6(2)(a) of the above Act, we are submitting to you herewith a copy of the said Rules for your kind approval. Another copy of the Rules is also enclosed to facilitate early disposal. As stated in clause 24 of the Rules, election held by the Members in accordance with the procedure laid down in the Rules shall be deemed as though it were conducted at a General Meeting of the Chamber.

5. In this connection, it may be mentioned that the Southern India Chamber of Commerce, Madras have been electing their

C Representatives to serve on various Public Bodies under similar Rules for which, we understand, permission had been accorded to them by the Government.

D Hence we request you to kindly accord your approval of the Rules framed by us and grant us your permission to hold the election of the Representatives of the Chamber on the Port Trust Board in accordance with these Rules.

The election of the Trustees by the Chamber for the next term of 2 years is due to be held before the end of July next and the said election will have to be held according to these Rules. As several formalities pertaining to this election have to be gone through during the short time now at our disposal after the Rules are passed by the Members, we shall be grateful if the approval and permission asked for are accorded to us at an early date so that we may have the same before the Rules are due to be passed by the Extraordinary General Meeting of the Members of the Chamber to be held on 3-7-1956.

Receipt of this may please be acknowledged.

Thanking you,

Yours faithfully,

PRESIDENT

Encl: Copy of the Rules in duplicate. bp 5-24 ~~~

Copy to: The Secretary, Southern India Chamber of Commerce, Madras.

# THE KANARA CHAMBER OF COMMERCE PUBLIC BODIES ELECTION RULES, 1956.

1. These Rules shall be called The Kanara Chamber of Commerce Public Bodies Election Rules, 1956.

2. These Rules shall come into effect immediately.

3. In these Rules, 'Public Body' means and includes any Committee, Board, Council or Authority or any Body of persons constituted by the Government or any Authority, official or non-official, on which the Chamber as such is or may be given representation from time to time together with the right to elect its representative or representatives.

4. All Elections of Representatives of the Chamber on any Public Body including Public Bodies mentioned in Appendix I shall be held in accordance with these Rules.

5. These Rules shall be subject to the Articles of Association of the Chamber and to the restrictions that may from time to time be enforced by the Government or the Authority of any Public Body.

6. All Elections under these Rules shall be held by the vote of the Members of the Chamber i.e., the General Body of the Members of the Chamber shall be the electorate in all elections.

7. Whenever the Chamber is required or called upon by Government or the Authority of any Public Body to elect one or more representatives of the Chamber to serve on such Public Body, the Committee of the Chamber shall fix a date for the election of such representative or representatives. The Committee shall also fix the date and time by which nominations shall be received, the date and time within which withdrawal of nominations, if any, shall be made by the candidates, the date and time for scrutinising the nominations and the date and time

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for counting the votes. The Committee shall also nominate person or persons not exceeding three, to be the Scrutinising Authority to scrutinise the nominations and declare their validity or otherwise. The dates shall be so fixed so as to enable the Secretary to give atleast 5 clear days' notice of the last date for receipt of nominations, 2 clear days thereafter for withdrawal of nominations by candidates and atleast 12 clear days between the date of scrutiny of nominations and the date of polling.

ELECTORAL ROLL

8. A List of names of all Members of the Chamber, showing also the name of the person authorised to represent in case companies, firms, partnership and proprietory concerns are Members, in accordance with the Articles of Association of the Chamber and recorded as such in the books of the Chamber, shall be maintained in the Chamber and brought uptodate till the date of notification for election. Only the authorised representatives who is named in the List is competent to exercise the votes or to seek election or to propose or second the nomination paper of a candidate. The said List shall be the Electoral Roll and shall be final and conclusive. A copy of this List shall be exhibited on the Office Notice Board on the date of notification for election.

NOTIFICATION FOR ELECTION

9. The Secretary of the Chamber shall intimate to every Member of the Chamber the particulars about the Election that is going to be held, the dates and time fixed for receipt of nomination, withdrawal of nomination by candidates, scrutiny of nominations, polling and counting of votes and shall invite nomination of one or more eligible members for election of such representative or representatives, within the time fixed for the same. The intimation referred to above shall be sent by the Secretary atleast 5 clear days before the last date fixed for the receipt of nominations.

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## CANDIDATES TO SEEK ELECTION

10. All Members of the Chamber listed as per Rule 8 above are eligible to seek election, provided in the case of Public Bodies connected with Commodities, only Members engaged im the trade in the commodity concerned successively for atleast six months preceding the date of notification for election as evidenced from their Applications for Membership, shall be eligible to seek election whereas all Members shall be eligible to vote in any election.

## NOMINATION

11. A Member desirous of standing as a candidate for any election shall signify in the Nomination Paper which shall be in the form prescribed in Appendix II and obtained from the office of the Chamber, his desire as such. The Nomination paper shall be duly signed by a proposer and a seconder both of whom shall be Members of the Chamber, provided in the case of candidates seeking election to Public Bodies connected with commodities, the proposer and seconder shall be Members engaged in the trade in the commodity concerned successively for atleast six months preceding the date of notification for election as evidenced from their Applications for Membership. No Member shall either propose or second more than the number of representatives to be elected in any election. The Nomination paper shall be presented at the office of the Chamber personally either by the Candidate or his proposer or his seconder within the time specified for the ~~purpose~~ same. There shall be levied a nomination fee of Rs.25/- from each candidate, which shall be paid in cash along with the nomination paper and which shall not be refundable. A Nomination paper received without the nomination fee or received after the expiry of the time fixed for receipt of same shall not be valid and shall be rejected.

## WITHDRAWAL OF NOMINATIONS

12. A Candidate desiring to withdraw his nomination may

do so by written request under his signature to the Secretary so as to reach the Chamber within the time specified for the same.

## SCRUTINY OF NOMINATIONS

13. On the date and at the time fixed for scrutiny of nominations, the nominations shall be scrutinised at the office of the Chamber by the person or persons authorised thereto and if in the opinion of the Scrutinising Authority, it is found that the candidate or his proposer or seconder does not possess the prescribed qualification, ~~of a voter~~ on the date of nomination or date of scrutiny or the candidate is ineligible to seek election for the place for which election is held under these Rules or when the nomination paper is unaccompanied by the prescribed fee, the nomination shall be declared invalid and rejected. Where a proposer or seconder has nominated more candidates than there are places for election, the required number of nominations received first shall be valid. If the persons authorised to scrutinise the nominations are more than one, the opinion of the majority of them shall prevail. The opinion of the Scrutinising Authority regarding the validity of nomination shall be final and conclusive and shall be unquestionable in any Court of Law or other proceedings.

## NOTIFICATION OF VALID NOMINATIONS

14. The List of validly nominated candidates signed by the Scrutinising Authority shall be placed on the Office Notice Board on the same day after scrutiny.

## ELECTION

15. If the number of validly nominated candidates for election shall be the same as there are places for election, the candidates shall be deemed to be duly elected and shall be so declared by the Scrutinising Authority soon after scrutiny. If the number of validly nominated candidates for election

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shall exceed the number of places for election, the election shall take place at the Registered Office of the Chamber on the day notified as per Rule 9 supra.

RETURNING OFFICER

16. The President of the Chamber or in his absence, the Vice-President shall be the Returning Officer. But where one or both of them are disabled from being Returning Officer by reason of their being candidates or by reason of their expressing their unwillingness to act as Returning Officer, the Committee shall appoint and nominate one of the Members of the Chamber as the Returning Officer.

H.E.S.'s p 15 supra

VOTING

18. ~~17.~~ Ballot box shall be sealed by the Returning Officer before the voting commences and shall be kept in a separate enclosure to which none but the voter shall have access during voting hours. Voting papers shall be printed and shall contain names of validly nominated candidates in alphabetical order. Local Members i.e., Members having a place of business and a postal address within the Municipal limits of Mangalore and registered as such in the books of the Chamber have to exercise their votes in person while voting papers shall be despatched to the mofussal Members not later than 7 days in advance of the date of election. Only mofussal Members may exercise their votes by postal ballots in which case such postal ballots shall be sent only by Registered Post to the Returning Officer so as to reach the Chamber not later than 4-30 P.M., on the date of Polling. Voting shall be carried on by secret ballots from 10 A.M. to 12-30 P.M., and from 1-30 P.M. to 5 P.M., on the date of Polling. Voting papers shall be issued to the local Members one by one in the office of the Chamber and their names in the Electoral Roll marked immediately. Not more than one voting paper shall be issued to a Member. Each Member shall be entitled

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to vote for as many candidates as there are places for election. Every voter shall proceeding to the enclosure where the ballot box has been kept and shall place a cross mark (X) with a coloured pencil provided for the purpose, opposite the name or names of candidates for whom he desires to vote, in his voting paper and shall drop the voting paper in the ballot box. Not more than one voter shall be allowed to go into or remain in the ballot enclosure at one and the same time. A voting paper shall be invalid for either or any of the following reasons, namely; a voting paper: (a) on which more than one vote is given to a candidate, (b) on which votes are given for more candidates than there are places for election, (c) which does not bear the Returning Officer's initials, (d) which contains the signature or any word or mark by which it can subsequently be identified, (e) which is left blank, (f) which is not accompanied by the declaration paper duly signed by the authorised representative(in the case of postal ballots only) and (g) on which vote is uncertain.

NOMINATION OF AGENTS BY CANDIDATES

17. Each candidate may nominate one who shall be a Member of the Chamber as his agent to be present on his behalf at the scrutiny of nominations, at the election and at the counting of votes. The name of such agent shall be intimated to the Secretary so as to reach the Chamber one day before the date of scrutiny.

To go to previous page S

SCRUTINY & COUNTING OF VOTES

19. As soon as possible after voting is completed, the Returning Officer shall pack and seal the ballot box in the presence of the candidates or their agents if present and have them in his possession and custody till counting. On the date and time fixed for counting, the Returning Officer after satisfying himself that the seals are intact shall cause the

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ballot box to be opened in the presence of the candidates or their agents if present and count and record the total number of voting papers found in the ballot box. He shall then examine the voting papers and reject those found invalid as per Rule 18. He shall make up one bundle of the invalid voting papers, if any, and shall place them in a separate sealed cover, the number of such voting papers enclosed in the cover being superscribed on the outside of the cover over his signature. He shall them examine the valid voting papers, count the number of valid votes recorded for each candidate and draft and sign a report specifying the total number of voting papers deposited in the ballot box, the number of voting papers rejected as invalid, the number of voting papers accepted as valid and the number of valid votes recorded for each candidate.

20. The Returning Officer shall thereafter place in a separate sealed cover the valid voting papers and shall superscribe over his signature on the outside of the said cover, the number of voting papers enclosed therein.

Substituted by 'H' on p27 supra

21. [A candidate or candidates getting the highest number of votes shall be declared duly elected but in the event of there being an equality of votes in favour of more candidates than there are places for election and a tie is declared, the candidate or candidates to be declared elected shall be decided by the Returning Officer by drawing lots.] The result of the ballot shall be declared forthwith and the name or names of candidates elected shall be duly declared and reported in due course by the President of the Chamber to the Government or the Authority of the Public Body from whom requisition for election of representative or representatives had been received by the Chamber.

22. The sealed covers containing the valid and invalid

voting papers shall be preserved in the office of the Chamber for a period of three months after the date of the voting and shall thereafter be destroyed unopened by the Committee of the Chamber at one of their meetings.

OBLIGATIONS OF ELECTED REPRESENTATIVES

23. A Representative elected to serve on a Public Body shall carry out the wishes of the Chamber on particular subjects communicated to him by the President or by the Committee of the Chamber through the Secretary. He shall discharge his functions in the best interest of the Chamber and its Members. He shall maintain a complete record of the proceedings of all the meetings of the Public Body concerned and of the correspondence available therewith during his term office and shall place the same at the disposal of the Chamber and on expiry of his term, he shall hand over the same to the Chamber for the guidance of his successor. The elected Representative shall be required to vacate his seat if his membership of the Chamber ceases or if he ceases to be the authorised representative of the firm or company as the case may be, during his term.

GENERAL.

24. The election held by the Members of the Chamber in accordance with the procedure laid down in these Rules shall be deemed as though it were conducted at a General Meeting of the Chamber.

25. In the event of a casual vacancy, the above procedure shall be followed in making the election.

26. These Rules can be altered only by Members of the Chamber in general meeting specially convened for the purpose.

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/By the Authority of the Committee/

Mangalore, D/5th June, 1956. PRESIDENT.

# APPENDIX I.

| S.No. | Name of the Public Body |
|---|---|
| 1. | The Mangalore Port Trust Board. |
| 2. | The Indian Central Arecanut Committee. |
| 3. | The Madras Coir Advisory Board. |
| 4. | The Sub-Regional Employment Advisory Committee. |

PRESIDENT

APPENDIX II

THE KANARA CHAMBER OF COMMERCE, MANGALORE

27

Election to: .....

## NOMINATION PAPER

To

The Secretary,
The Kanara Chamber of Commerce,
Mangalore.

Ref: Your Notice dated .....

I wish to seek election to .....

to be held on .....

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Name of Candidate: ...
Representative of: ...
Trade in which engaged and since when:.
Signature of the Candidate: ...

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Name of Proposer: ...
Representative of: ...
Trade in which engaged and since when:.
Signature of the Proposer: ...

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Name of Seconder: ...
Representative of: ...
Trade in which engaged and since when:.
Signature of the Seconder: ...

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Nomination Fee remitted in cash: ... Rs.

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I declare that the above information is true and complete and I agree to abide by The Kanara Chamber of Commerce Public Bodies Election Rules, 1956.

Place: ) Signature & ) .....
) Address of ) .....
Date: ) Candidate: ) .....

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Receipt of Nomination: Date: ..... Time: .....

K. Shenoy
PRESIDENT

P.T.O.

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P.W.D. (E)/

Letter No. 4283-F/58-1 dt. 4-6-58

To

The President,

The Kanara Chamber of Commerce

P.O. Box 116 - Mangalore

Sub: Port Trusts - Mangalore Port Trust Act, 1963 - Section 6(2)(a) - Election of Trustees - Election by the Chamber - Special Rules.

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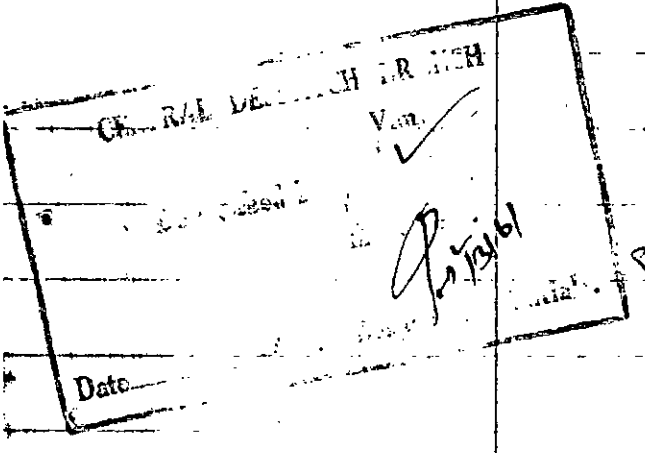
Sir,

I am directed to acknowledge herewith the receipt of the Election



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Rules submitted / furnished. with your letter dtd 6.6.58 ... 3.

11.6.58 — 11.6.58

Note: Further action will be taken after issue of the above letter

11.6.58 — 11.6.58

# THE KANARA CHAMBER OF COMMERCE

27

P. O. BOX NO. 116 — MANGALORE-1 (S. INDIA)

TELEGRAMS: "CHAMBER"
TELEPHONE: OFFICE 4344

Date 8th June, 1956.

REGD.A.D.

The Secretary to the Government of Madras,
Public Works Department,
Fort St. George,
Madras.

Sir,

Sub: MANGALORE PORT TRUST ACT, 1953-Section 6(2)(a)- Port Trust Board- Elective Trustees- Election by the Chamber Special Rules framed- Approval sought.

Ref: Our letter to you dated 6/6/56 forwarding a copy of the Special Rules framed by ~~the~~ us for your approval- Certain verbal alterations necessary- Request for alteration accordingly.

*******

Please refer to our letter to you dated the 6th instant submitting to you a copy of the Rules framed by us for the conduct of election of the Representatives of the Chamber to serve on Public Bodies including the Mangalore Port Trust, for your approval and necessary permission.

The following verbal alterations in the Rules are necessary to have better wording of the Rules. Hence we submit that the said Rules may be read and considered as altered below.-

(1) Rule 17 shall be numbered as Rule 18 and Rule 18 shall be numbered as Rule 17 and as a result of this renumbering, their places shall be changed as per serial order.

(2) In Rule 19, the word and number 'Rule 17' appearing on page 7, shall be read as Rule 18.

(3) The first complete sentence of Rule 21 shall be substituted by the following sentence, the rest of the said Rule to remain as it is:-

" The candidate or candidates equal in number to the place or places to be filled, who secure the largest number of votes shall be declared elected. In case two or more candidates secure the same number of votes and it is found necessary to decide who among them is to be declared elected, the same shall be decided by the Returning Officer by drawing lots among those candidates."

A printed copy of the said Rules as altered and circulated to the Members of the Chamber is also sent herewith for your further reference. Receipt of this may kindly be acknowledged.

Thanking you in anticipation of your early orders,

Yours faithfully,

PRESIDENT.

Encl: 1.

# THE KANARA CHAMBER OF COMMERCE

Telegrams: "CHAMBER"
Telephone: 128.

P. O. Box No. 116,
Bunder, Mangalore-1,
5th June 1956.

## NOTICE

Notice is hereby given that an Extraordinary General Meeting of the Members of The Kanara Chamber of Commerce will be held at the Registered Office of the Chamber on Tuesday, the 3rd day of July, 1956 at 4 P. M., for the purpose of considering and if thought fit, passing, with or without modification, the Resolution set out below, as an Ordinary Resolution:

"RESOLVED that the following Rules be passed as The Kanara Chamber of Commerce Public Bodies Election Rules 1956 and be adopted for the purpose of conducting Election of Representatives of the Chamber to serve on Public Bodies and immediate effect be given to the said Rules, namely:

1. These Rules shall be called The Kanara Chamber of Commerce Public Bodies Election Rules, 1956.

2. These Rules shall come into effect immediately.

3. In these Rules, 'Public Body' means and includes any Committee, Board, Council or Authority or any Body of persons constituted by the Government or any Authority, official or non-official, on which the Chamber as such is or may be given representation from time to time together with the right to elect its representative or representatives.

4. All Elections of Representatives of the Chamber on any Public Body including Public Bodies mentioned in Appendix I shall be held in accordance with these Rules.

5. These Rules shall be subject to the Articles of Association of the Chamber and to the restrictions that may from time to time be enforced by the Government or the Authority of any Public Body.

6. All Elections under these Rules shall be held by the vote of the Members of the Chamber i.e., the General Body of the Members of the Chamber shall be the Electorate in all elections.

7. Whenever the Chamber is required or called upon by Government or the Authority of any Public Body to elect one or more representatives of the Chamber to serve on such Public Body, the Committee of the Chamber shall fix a date for the election of such representative or representatives. The Committee shall also fix the date and time by which nominations shall be received, the date and time within which withdrawal of nominations if any, shall be made by the candidates, the date and time for scrutinising the nominations and the date and time for counting the votes. The Committee shall also nominate person or persons not exceeding three, to be the Scrutinising Authority to scrutinise the nominations and declare their validity or otherwise. The dates shall be so fixed so as to enable the Secretary to give atleast 5 clear days' notice of the last date for receipt of nominations, 2 clear days thereafter for withdrawal of nominations by candidates and atleast 12 clear days between the date of scrutiny of nominations and the date of polling.

**Electoral Roll**

8. A List of names of all Members of the Chamber, showing also the name of the person authorised to represent in case, companies, firms, partnership and proprietory concerns are Members, in accordance with the Articles of Association of the Chamber and recorded as such in the books of the Chamber shall be maintained in the Chamber and brought uptodate till the date of notification for election. Only the authorised representative who is named in the List is competent to exercise the vote or to seek election or to propose or second the nomination paper of a candidate. The said List shall be the Electoral Roll and shall be final and conclusive. A copy of this List shall be exhibited on the Office Notice Board on the date of notification for election.

**Notification for Election**

9. The Secretary of the Chamber shall intimate to every Member of the Chamber the particulars about the Election that is going to be held, the dates and time fixed for receipt of nomination,

withdrawal of nomination by candidates, scrutiny of nominations, polling and counting of votes and shall invite nomination of one or more eligible members for election of such representative or representatives, within the time fixed for the same. The intimation referred to above shall be sent by the Secretary atleast 5 clear days before the last date fixed for the receipt of nominations.

**Candidates to seek Election**

10. All Members of the Chamber listed as per Rule 8 above, are eligible to seek election, provided in the case of Public Bodies connected with Commodities, only Members engaged in the trade in the commodity concerned successively for atleast six months preceding the date of notification for election as evidenced from their Application for Membership, shall be eligible to seek election whereas all Members shall be eligible to vote in any election.

**Nomination**

11. A Member desirous of standing as a candidate for any election shall signify in the Nomination Paper which shall be in the form prescribed in Appendix II and obtained from the office of the Chamber, his desire as such. The nomination Paper shall be duly signed by a proposer and a seconder both of whom shall be Members of the Chamber, provided in the case of candidates seeking election to Public Bodies connected with commodities, the proposer and seconder shall be Members engaged in the trade in the commodity concerned successively for atleast six months preceding the date of notification for election as evidenced from their Applications for Membership. No member shall either propose or second more than the number of representatives to be elected in any election. The Nomination paper shall be presented at the office of the Chamber personally either by the candidate or his proposer or his seconder within the time specified for the same. There shall be levied a nomination fee of Rs. 25/- from each candidate, which shall be paid in cash along with the nomination paper and which shall not be refundable. A nomination paper received without the nomination fee or received after the expiry of the time fixed for receipt of same shall not be valid and shall be rejected.

**Withdrawal of Nominations**

12. A Candidate desiring to withdraw his nomination may do so by written request under his signature to the Secretary so as to reach the Chamber within the time specified for the same.

**Scrutiny of Nominations**

13. On the date and at the time fixed for scrutiny of nominations, the nominations shall be scrutinised at the office of the Chamber by the person or persons authorised thereto and if in the opinion of the Scrutinising Authority, it is found that the candidate or his proposer or seconder does not possess the prescribed qualification on the date of nomination or date of scrutiny or the candidate is ineligible to seek election for the place for which election is held under these Rules or when the nomination paper is unaccompanied by the prescribed fee, the nomination shall be declared invalid and rejected. Where a proposer or seconder has nominated more candidates than there are places for election, the required number of nominations received first, shall be valid. If the persons authorised to scrutinise the nominations are more than one, the opinion of the majority of them shall prevail. The opinion of the Scrutinising Authority regarding the validity of nomination shall be final and conclusive and shall be unquestionable in any Court of Law or other proceedings.

**Notification of valid Nominations**

14. The List of validly nominated candidates signed by the Scrutinising Authority shall be placed on the Office Notice Board on the same day after scrutiny.

**Election**

15. If the number of validly nominated candidates for election shall be the same as there are places for election, the candidates shall be deemed to be duly elected and shall be so declared by the Scrutinising Authority soon after scrutiny. If the number of validly nominated candidates for election shall exceed the number of places for election, the election shall take place at the Registered Office of the Chamber on the day notified as per Rule 9 supra.

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**Returning Officer**

16. The President of the Chamber or in his absence, the Vice-President shall be the Returning Officer. But where one or both of them are disabled from being Returning Officer by reason of their being candidates or by reason of their expressing their unwillingness to act as Returning Officer, the Committee shall appoint and nominate one of the Members of the Chamber as the Returning Officer.

**Nomination of Agents by Candidates**

17. Each candidate may nominate one who shall be a Member of the Chamber as his Agent to be present on his behalf at the scrutiny of nominations, at the election and at the counting of votes. The name of such Agent shall be intimated to the Secretary so as to reach the Chamber one day before the date of scrutiny.

**Voting**

18. Ballot Box shall be sealed by the Returning Officer before the voting commences and shall be kept in a separate enclosure to which none but the voter shall have access during voting hours. Voting papers shall be printed and shall contain names of validly nominated candidates in alphabetical order. Local Members i. e., Members having a place of business and a postal address within the Municipal limits of Mangalore and registered as such in the books of the Chamber have to exercise their votes in person while voting papers shall be despatched to the mofussal Members not later than 7 days in advance of the date of election. Only mofussal Members may exercise their votes by postal ballots in which case such postal ballots shall be sent only by Registered Post to the Returning Officer so as to reach the Chamber not later than 4-30 P.M., on the date of polling. Voting shall be carried on by secret ballots from 10 A.M. to 12-30 P.M., and from 1-30 P.M. to 5 P.M., on the date of polling. Voting papers shall be issued to the local Members one by one in the office of the Chamber and their names in the Electoral Roll marked immediately. Not more than one voting paper shall be issued to a Member. Each Member shall be entitled to vote for as many candidates as there are places for election. Every voter shall proceed to the enclosure where the ballot box has been kept and shall place a cross mark (×) with a

coloured pencil provided there for the purpose, opposite the name or names of candidates for whom he desires to vote, in his voting paper and shall drop the voting paper in the ballot box. Not more than one voter shall be allowed to go into or remain in the ballot enclosure at one and the same time. A voting paper shall be invalid for either or any of the following reasons, namely: (a) on which more than one vote is given to a candidate, (b) on which votes are given for more candidates than there are places for election, (c) which does not bear the Returning Officer's initials, (d) which contains the signature or any word or mark by which it can subsequently be identified, (e) which is left blank, (f) which is not accompanied by the declaration paper duly signed by the authorised representative (in the case of postal ballots only) and (g) on which vote is uncertain.

**Scrutiny & Counting of Votes**

19. As soon as possible after voting is completed, the Returning Officer shall pack and seal the ballot box in the presence of the candidates or their agents if present and have them in his possession and custody till counting. On the date and time fixed for counting, the Returning Officer after satisfying himself that the seals are intact shall cause the ballot box to be opened in the presence of the candidates or their agents if present and count and record the total number of voting papers found in the ballot box. He shall then examine the voting papers and reject those found invalid as per Rule 18. He shall make up one bundle of the invalid voting papers, if any, and shall place them in a separate sealed cover, the number of such voting papers enclosed in the cover being superscribed on the outside of the cover over his signature. He shall then examine the valid voting papers, count the number of valid votes recorded for each candidate and draft and sign a report specifying the total number of voting papers deposited in the ballot box, the number of voting papers rejected as invalid, the number of voting papers accepted as valid and the number of valid votes recorded for each candidate.

20. The Returning Officer shall thereafter place in a separate sealed cover the valid voting papers and shall superscribe over his signature on the outside of the said cover, the number of voting papers enclosed therein.

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21. The candidate or candidates equal in number to the place or places to be filled, who secure the largest number of votes shall be declared elected. In case two or more candidates secure the same number of votes and it is found necessary to decide who among them is to be declared elected, the same shall be decided by the Returning Officer by drawing lots among those candidates. The result of the ballot shall be declared forthwith and the name or names of candidates elected shall be duly declared and reported in due course by the President of the Chamber to the Government or the Authority of the Public Body from whom requisition for election of representative or representatives had been received by the Chamber.

22. The sealed covers containing valid and invalid voting papers shall be preserved in the office of the Chamber for a period of three months after the date of the voting and shall thereafter be destroyed unopened by Committee of the Chamber at one of their meetings.

**Obligations of elected Representatives**

23. A Representative elected to serve on a Public Body shall carry out the wishes of the Chamber on particular subjects communicated to him by the President or by the Committee of the Chamber through the Secretary. He shall discharge his functions in the best interest of the Chamber and its Members. He shall maintain a complete record of the proceedings of all the meetings of the Public Body concerned and of the correspondence available therewith during his term of office and shall place the same at the disposal of the Chamber and on expiry of his term, he shall hand over the same to the Chamber for the guidance of his successor. The elected Representative shall be required to vacate his seat if his membership of the Chamber ceases or if he ceases to be the authorised representative of the firm or company as the case may be, during his term

**General**

24. The election held by the Members of the Chamber in accordance with the procedure laid down in these Rules shall be deemed as though it were conducted at a General Meeting of the Chamber.

25. In the event of a casual vacancy, the above procedure shall be followed in making the election.

26. These Rules can be altered only by Members of the Chamber in general meeting specially convened for the purpose."

(By Order)

*(Sd.)* M. G. Anantha Pai,
" U. Subraya Mallia,
Hon. Secretaries.

N. B:—A Member entitled to attend and vote is entitled to appoint a Proxy to attend and vote instead of himself.

APPENDIX I.

| S. No. | Name of the Public Body |
|---|---|
| 1. | The Mangalore Port Trust Board. |
| 2. | The Indian Central Arecanut Committee. |
| 3. | The Madras Coir Advisory Board. |
| 4. | The Sub-Regional Employment Advisory Committee. |

37

APPENDIX II

## The Kanara Chamber of Commerce, Mangalore

Election to:.....

### NOMINATION PAPER

To

The Secretary,

**The Kanara Chamber of Commerce,**

**Mangalore.**

Ref: Your Notice dated.....

I wish to seek election to .....

to be held on.....

---

Name of Candidate: ...

Representative of: ...

Trade in which engaged and since when: ...

Signature of the Candidate: ...

---

Name of Proposer: ...

Representative of: ...

Trade in which engaged and since when: ...

Signature of the Proposer: ...

---

Name of Seconder: ...

Representative of: ...

Trade in which engaged and since when: ...

Signature of the Seconder: ...

---

Nomination Fee remitted in cash: ... Rs.

---

I declare that the above information is true and complete and I agree to abide by The Kanara Chamber of Commerce Public Bodies Election Rules, 1956.

*Place:* } Signature & Address of Candidate: } .....

*Date:* .....

.....

---

Receipt of Nomination: Date:..... Time:.....

**Remarks of the Scrutinising Authority**

Signature of the Scrutinising Authority.

# THE KANARA CHAMBER OF COMMERCE

Telegrams: "CHAMBER"
Telephone: 128

P. O. Box No. 116,
Bunder, Mangalore-1,
5th June, 1956.

To All Members

Dear Sirs,

As the Chamber is from time to time called upon to elect representatives to serve on Statutory or Public Bodies or Authorities and as hitherto, Rules have not been framed by the General Body of the Chamber and as it is deemed both necessary and proper that Standing Rules should be framed and passed by the General Body, the Committee of the Chamber has prepared draft Rules. These Rules have to be passed by the General Body of the Chamber and hence the calling of the Extraordinary General Meeting to pass the Resolution as notified.

Yours faithfully,
(*Sd.*) M. G. Anantha Pai,
„ U Subraya Mallia,
Hon. Secretaries.

S. P. Works, Ltd., M.—6-'56/325

# THE KANARA CHAMBER OF COMMERCE

39

P. O. BOX NO. 116 MANGALORE-1, (S. INDIA)

TELEGRAMS: "CHAMBER"
TELEPHONE: 128

Date 27th June, 1956.

The Secretary to the Government of Madras,
Public Works Department,
Fort St. George,
MADRAS.

ASST. SECRETARY TO GOVERNMENT
29 JUN 1956
PUBLIC WORKS DEPARTMENT

Sir,

Sub: Mangalore Port Trust Act, 1953-Section 6(2)(a)- Port Trust Board- Elective Trustees- Election by the Chamber- Special Rules framed- Approval sought Reminder.

Ref: (1) Our letter to you dated 6-6-1956, pp. 1-3 and enclosing a copy of the Rules.
(2) Our further letter to you dated 8-6-56 enclosing a printed copy of p 20 and the said Rules.
(3) Your Letter No. 4283-F/56-1 dated 12-6-56. pp 25-26 mfg

***

We write to invite a kind reference to our letters to you cited above, seeking approval of the Election Rules furnished therewith, so as to enable the Chamber to take steps to hold the election of its Representatives to the Mangalore Port Trust Board.

We request that the approval sought may kindly be accorded at an early date. Herein we have to inform you that the said Rules, as passed at the Extraordinary General Meeting of the Members of the Chamber to be held on 3-7-1956, will also be submitted to you in due course, for final approval.

Yours faithfully,
For THE KANARA CHAMBER OF COMMERCE.

Hon. Secretary.

27/6

INVEST WISELY
BUY NATIONAL SAVINGS CERTIFICATES

# INDIAN POSTS AND TELEGRAPHS DEPARTMENT

ASST. SECRETARY TO GOVERNMENT
2-JUL 1956
PUBLIC WORKS DEPARTMENT

4-869 2

12/7/56

Class / Prefix: MA — Code — No. C

Recd from — By

Sent — To — By — M

Office Stamp: 1-7-56

Handed in at (Office of Origin): Mangalore — Date: 30 — Hour: 1 — Minute: 41

Service Instructions: urgent reply — Words: 78

Recd here at — H. — M

TO: Rydreone

A. J. Chandi no. 6

damodara Mudaliar of Panchavadi

M. Kalpur K.

Reference our representations dated sixth and eighth June reminder dated twentyseventh June requesting approval of election rules and seeking permission to

INVEST WISELY
Buy NATIONAL SAVINGS CERTIFICATES

# INDIAN POSTS AND TELEGRAPHS DEPARTMENT

1x3

Class / Prefix } ——— Code ———

No 4 C

Recd from ~~to~~

By

Sent a: ——— H ——— M

To

By

Office Stamp.
TEL
1-756
TILPAUK

| Handed in at (Office of Origin). | Date | Hour | Minute | Service Instructions | Words |
|---|---|---|---|---|---|
| | | | | | |

Recd here at 10 H 7 M

TO

hold election if ~~ch~~ Chambers representatives ~~of~~ to Port trust board ~~under sec~~ under send rules aaa rule number twenty four meets requirements of ~~of~~ section six of Port trust act aaa request grant Permission as Port Trust election due immediately Kindly telegraph Reply = Kanara Chamber=

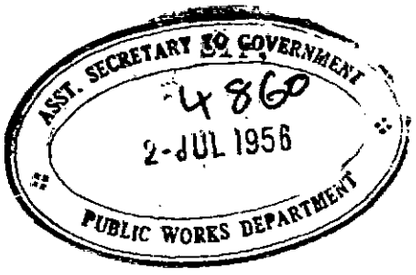
# THE KANARA CHAMBER OF COMMERCE

P. O. BOX NO. 116 MANGALORE-1 (S. INDIA)

TELEGRAMS: "CHAMBER"
TELEPHONE: 128

Date 30th June, 1956.

The Secretary to the Government of Madras,
Public Works Department,
Fort St.George,
MADRAS.




Sub:- Mangalore Port Trust Act,1953-Section 6(2)(a)- Port Trust Board- Elective Trustees- Election by the Chamber Special Rules framed- Approval sought.

Ref:- (1) Our Letter to you dated 6-6-1956.
(2) " 8-6-1956.
(3) " 27-6-1956.
(4) Your Acknowledgment No.4283-F/56-1 dated 12-6-56.

***

We confirm having sent the following telegram to you today.-

"QUYADDENSA-MADRAS: REFERENCE OUR REPRESENTATION DATED SIXTH AND EIGHTH JUNE REMINDER DATED TWENTYSEVENTH JUNE REQUESTING APPROVAL OF ELECTION RULES AND SEEKING PERMISSION TO HOLD ELECTION OF CHAMBER'S REPRESENTATIVES TO PORT TRUST BOARD UNDER SAID RULES (.) RULE NUMBER 24 MEETS REQUIREMENTS OF SECTION 6 OF PORT TRUST ACT (.) REQUEST GRANT PERMISSION AS PORT TRUST ELECTION DUE IMMEDIATELY KINDLY TELEGRAPH REPLY- KANARA CHAMBER "

The term of office of the present Representatives of the Chamber on the Mangalore Port Trust Board expires today and the Chamber is required to elect its representatives for the next term within one month from this date. Several formalities have to be gone through, as per the Rules framed, to hold the election and for this purpose we have to take immediate steps. The Rules framed are also due to be passed by the General Body of the Members of the Chamber at their meeting on 3-7-56. It is therefore felt necessary that we should have the permission asked for, from the Government, before the meeting date. It is, in view of this urgency, that we have sent the above telegram.

It may please be noted in this connection that as per Rule 24 of the Rules framed, the election held in accordance with the Rules will be deemed as election conducted at a General Meeting of the Members of the Chamber and when the Rules containing this provision is passed by the General Body of the Chamber, the requirements of Section 6(2)(a) of the Mangalore Port Trust Act,1953 should be deemed to have been met.

Hence we request that the permission asked for may kindly be granted to us without delay.

Thanking you,

Yours faithfully,
For THE KANARA CHAMBER OF COMMERCE.

Hon. Secretary.

P.W.D.(F-1). 47

Telegram No.4283-F/56- 2 d/ 3·7·56

CHAMBER,

MANGALORE.

YOUR TELEGRAM THIRTIETH JUNE .STOP MATTER UNDER CONSIDERATION

QUYADDENSA.

3.7.56

3.7.56

P.C. to go to

The President,
Kanara Chamber of Commerce,
Post Box No.116,
Mangalore-1.

Issued today
3.7.56

49

P.W.(F-1).

Express Telegram No.4283-P/56-4
dated 6.7.56

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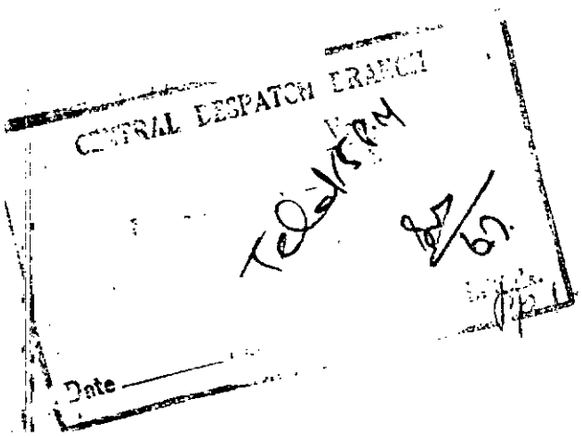


CHAMBER
MANGALORE.

YOUR LETTER DATED SIXTH JUNE STOP RULES FRAMED BY YOUR CHAMBER FOR ELECTION OF TRUSTEES TO THE PORT TRUST ETC ~~ARE~~ do NOT ~~THE CONCERN OF GOVERNMENT AND THEREFORE THERE IS NO QUESTION~~ vaguen the approval OF GOVERNMENT. ~~APPROVING SUCH RULES~~.

QUYADDENSA

P.C. to go to the President,
Kanara Chamber of Commerce,
Post Box 116, Mangalore-1.

P.W.D.(F-1).

(C.No.4283-F/56).

Sub: PORT TRUSTS - Mangalore - Port Trust Board - Trustees - Election by Kanara Chamber of Commerce - Rules - Approval

pp1-3 c/f

Ref: From the Kanara Chamber of Commerce, letter dated 6-6-1956.

p2 c/f

From the Kanara Chamber of Commerce, letter dated 8-6-1956.

p-2b c/f

To the Kanara Chamber of Commerce, letter No.4283-F/56-1 dated 11-6-1956.

p4 c/f

From the Kanara Chamber of Commerce, letter dated 27-6-1956.

p4-a-3 c/f

From the Kanara Chamber of Commerce, Telegram dated 30-6-1956.

p5 c/f

From the Kanara Chamber of Commerce, letter dated 30-6-1956.

---

p3.

According to section 6(2)(a) of the Mangalore Port Trust Act, 1953, the members for the time being of each of the following bodies shall be entitled to elect to the Mangalore Port Trust Board the number of Trustees specified against it, at a meeting of the body held in accordance with its rules as then in force -

(i) xxx xxx xxx

(ii) The Kanara Chamber of Commerce - 4 Trustees.

(iii) xxx xxx xxx

In June 1954, in reply to a reference from it, the Kanara Chamber of Commerce were informed as follows:-

p574/R

G.O.Ms. 2116 PW 14.6.54.

" In the absence of special rules framed by the Chamber, or until special rules are framed for convening meetings for elections to the Mangalore Port Trust Board, the meetings to be held for such elections may be ordinary general body meetings of the members of the Chamber".

2. With its reference on pp.1-3 c.f. the Kanara Chamber of Commerce has forwarded a draft

pp.5-24 c.

4283F/56.

set of rules framed by it for the proper co duct of meetings for elections to the Mangalore Port Trust Board, and other public bodies and has requested the approval of Govt. thereto.

3. It is submitted that the Mangalore Port Trust Act, 1953, only stipulates that election to the Port Trust Board by certain bodies should be done at meetings of the body held in accordance with its rules as then in force. It does not stipulate that such rules should be approved by the State Govt. As such, the question of the State Govt. approving the rules framed by the Board does not appear to arise. Law Deptt. may see for remarks.

Nor do I think that we are concerned with the Chamber's rule
Ur 4.7.56
3.7.56

4. In this connection a reference is invited to para 5 on p. 1-3 c.f. wherein it has been stated that Govt. have approved similar rules relating to the Southern India Chamber of Commerce. No information is available in this Deptt. as to the circumstances under which the rules were approved. ILC Deptt. may perhaps be requested to clarify the position.

X

5. Pending issue of final orders in the matter, a draft interim reply telegram to the Kanara Chamber of Commerce is submitted below. After issue, the file may be sent to ILC/Law Deptt. with reference to paras 4 and 3 above.

A

DMS 3/7/56.

3.7.56

The Kanara chamber may be informed by telegram that Govt's approval is not necessary according to Sec 6(2) of the Act.

Ur 4-7-56

I.L.C / Law

Telegram at A above issued Ur 3.7.56

FIFTH ASSTT. 4 JUL 1956 DEPARTMENT OF INDUSTRIES, LABOUR &

6982 1428 3F/56-3

4.7.56

(I.L.& L.C. No 69821/J II/56)

I.L.& L.C. (J II) Dept.

To As

The notes of P.W. at Pgs 1-2 above may be perused.

2. The file has been sent to this Dept with reference to X on page 2 above. This Dept is concerned only with the trade aspect of the chambers of commerce, but not with the rules and regulations framed by any such chamber for its internal administration. So far as this Dept is aware no such rules framed by the Southern India Chamber of Commerce, have been approved by Govt.

3. With these remarks, the file may be passed on to Law.

4.7.56.

4.7.56

4/7/56

4/7/56

Let A see also

See 4/7/56

4/7/56

Law

LAW DEPARTMENT.

This department agrees that the rules framed by the Chamber of Commerce for election of Trustees to the Port Trust are not the concern of the Government and that therefore there is no question of Government approving such rules.

5.7.56

5.7.56

I.L.C. U.O. No 69821/J II/56/1

4.7.56

Law U.O. No 60265

at 5.55 pm 4.7.56.

Law U.O. No. D.S. 10255/56

PWD 5.7.56.

ASST. SECRETARY TO GOVERNMENT
5.7.56
PUBLIC WORKS DEPARTMENT

P.W.D.

4

P W D (F)

The wishes of I.C. & Law Depts on p. 3 cont may be pursued. Law Dept. have agreed with this Department's views cf. 'Y' on p 2 cont. A draft telegram informing the position to the Kenyan Chamber of Commerce is submitted for approval.

6.7.56

6.7.56

6.7.56

[Issued as Express Telegram No 4283 17/56 4 dt 6.7.56]

The papers may be recorded in a G.D. for facility of further reference.

7.7.56

7.7.56

20/11.7

Cy C MS 309a P W dtd 7-56

Port Auth Mombasa - Port Trust Board (Trustee) Election of Kenya Chamber of Commerce - Rules - Approval of. Papers Recorded.

7.7.56

7.7.56

8.7.56